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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISS
DOCKET CONTROL

RICHARD GAYER,
Complainant,

(Dwight D. Nodes, Hearing Officer)

DOCKET NO. G-01551A-13-0327

v.

SOUTHWEST GAS CORPORATION,
Respondent.

Complainant's
THIRD
MOTION TO COMPEL
COMPLIANCE WITH
ORDER NO. 74780

Complainant Gayer hereby moves the Arizona Corporation Commission, for the Third time, for an Order compelling Southwest Gas Corporation (SWGAs) to comply with *all* parts of the Order in Decision No. 74780, especially the requirement for the Monthly Weather Adjustment (unlawfully renamed by SWGas as the "EEP Weather Adjustment" [EEPWA]) to appear on customers' bills for all months to which the EEPWA applies and without any exception based on the dollar amount thereof. Therefore, SWGas must reprogram its computers so that a line item entry for the EEPWA always appears in bills that cover the six "winter" months of November through April. (Complainant is filing this Motion to make a clear record of the continuing intentional misconduct of SWGas in the hope that SWGas may correct its errors on its own initiative, even though this Motion may be premature.)

FACTS

On 8 April 2015, Complainant received a bill dated 04/06/15 from SWGas. Unlike all previous bills, that bill did not have the required line item for what SWGas is calling the "EEP

1 Weather Adjustment". Upon inquiry of SWGas via 1-877-860-6020 on that day, Complainant
2 was unable to speak with anyone from SWGas because of "heavy call volume"; that is, SWGas
3 absolutely refused to speak with him on that day.

4 Complainant called again on the next day (9 April) and was told, falsely, by Lee Anne
5 that the "EEP Annual Adjustment" that did appear his bill included the weather adjustment. She
6 also said that the EEP Weather Adjustment applies to all months from 1 November through 30
7 April. Complaint then told Lee Anne that he is the Complainant in Docket No. 13-0327 and that
8 he knows that the annual adjustment does not include the weather adjustment, after which she
9 said she would forward his request to a supervisor and that he would hear from SWGas later that
10 day.

11 Later that day (9 April 2015), Complainant received an e-mail from Christy Berger of
12 SWGas, in which she wrote that: "I also understand that you inquired with our call center as to
13 the absence of an "EEP Monthly Weather Adjustment" on your most recent bill. Since this
14 billing period resulted in zero HDDs, the calculation of the EEP Monthly Weather Adjustment
15 resulted in zero. When a billing item results in zero value, the billing system does not print that
16 line item, which is why you only saw the EEP Annual Adjustment reflected."

17 Clearly, SWGas must reprogram its computers to avoid the foregoing violation of the
18 Order in Decision No. 78780. If SWGas is for some reason averse to printing zeroes, then it can
19 print "NONE", as it now does under "Please Pay Amount Due" when that amount is zero. (See
20 attached redacted copy – for privacy – of a bill to a SWGas customer in Phoenix, 85003.)

21 Complainant promptly replied to Ms. Berger and others as follows:

22 "Thank you for your instant response to my inquiries (email and 'phone).
23 However, I view the absence of the "EEP Weather Adjustment" (hereinafter WxAdj)
24 on my recent bill as a clear violation of the Decision and Order No. 78780 of the AzCC
25 and will be filing a motion in Case No. 13-0327 to compel SWGas to show a "0.00"
when the WxAdj is zero. (If necessary, I may then file a "Special Action" in the Superior
Court for Maricopa County.)

26 Bills from SWGas show a Charge (positive number) for the WxAdj or a Credit (negative
27 number) for the WxAdj as a function of the sign (+ or -) of the Variance. If for some
28 reason the WxAdj is zero, then "0.00" must appear on the line item for the "EEP Weather
Adjustment". SWGas' unlawful deletion of that line item reduces that item to nothing at
all and suggests to customers like me that the WxAdj has been terminated for all time.
As my high school Calculus teacher often said when a student said the answer to a

1 problem was nothing: 'Nothing is what's in your head; the correct answer is zero'. The
2 same rule applies here.

3 If I don't hear from SWGas by 5:00 pm Phoenix time this coming Friday 10 April, I
4 will prepare my Motion to Compel over the weekend for filing with Docket Control next
5 Monday or Tuesday (14 April)."

6 Since Complainant did not hear from SWGas as requested, he prepared this Motion for filing.

7 SWGas' increasing intransigence in playing fast and loose with a direct ORDER from the
8 Commission is shocking. The Order in Decision No. 78780 does not allow deviations from its
9 clear language, even if SWGas may consider its numerous deviations lawful. Complainant is
10 not relying upon the "spirit" of the Order but only upon its text, but SWGas is violating both its
11 letter and spirit by confusing its customers with unlawful deviations from it.

12 CONCLUSION

13 Complainant's Motion should be granted. It is axiomatic that a utility must obey an
14 Order of the Commission, especially one to which it has stipulated.

15 SWGas should be specifically ordered to comply with all provisions of the Order in
16 Decision No. 74780. The "EEP Weather Adjustment", which should be the "EEP *Monthly*
17 Weather Adjustment" [emp. added], should not disappear from bills when its dollar value
18 happens to be zero. If necessary, SWGas must reprogram its computers accordingly. That
19 should require less than one hour's time from even a junior programmer.

20
21 Dated: 15 April 2015

Respectfully submitted by,



23 RICHARD GAYER, Complainant
24 526 West Wilshire Drive
25 Phoenix, AZ 85003
26 602-229-8954
27 rgayer@cox.net
28



SOUTHWEST GAS CORPORATION

Customer Assistance
Asistencia al Cliente
 Toll Free/Llamada Gratis
 1-877-860-6020

PO Box 98890
 Las Vegas NV 89193-8890

Hearing Impaired: Dial 711
 www.swgas.com

PLEASE RETAIN THIS TOP PORTION FOR YOUR RECORDS

STEPHEN [REDACTED]
 PHOENIX AZ 85003 [REDACTED]

DUPLICATE

Service Address: [REDACTED] 85003
 Rate Schedule: 010/G-5 RESIDENTIAL GAS SERVICE
 Your Local Office Is 2200 N CENTRAL, STE 101, PHOENIX AZ 85004

ACCOUNT NUMBER	CYCLE	DATE MAILED	PAST DUE AFTER	PLEASE PAY AMOUNT DUE
421-[REDACTED]	20	04/06/15	04/27/15	NONE

PREVIOUS BILLING:				
Previous Balance				38.34
Payment(s) Since Last Bill - Thank You				38.34CR
Deposit Applied Including Interest				80.37CR
Balance Forward				\$80.37CR
CURRENT BILLING:				
Meter Reading:	28 Days	Current	Previous	Billing Factor
		Apr. 02	Mar. 05	
		1944 -	1932 =	12 X 1.0099 =
				12
Usage Charges				15.93
EEP Annual Adj				0.32CR
Basic Service Charge				10.70
DOT Safety Surcharge				0.05
Applicable Revenue Taxes				3.03
Current Bill				\$29.39

*** Sign up for paperless billing at www.swgas.com ***

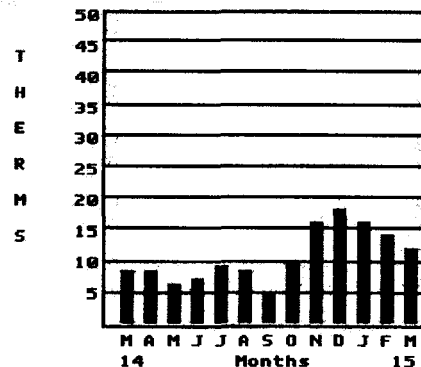
Due on or before: 04/27/15 Amount due: \$50.98CR

Important Messages:

Your next meter read date is: May 04, 2015

HELP US KEEP YOU INFORMED ABOUT YOUR NATURAL GAS SERVICE, SPECIAL PROGRAMS, AND IMPORTANT SAFETY MESSAGES, BY CREATING A MYACCOUNT AND KEEPING IT UPDATED WITH YOUR CONTACT INFORMATION. IT'S ALSO A GREAT WAY TO MANAGE YOUR ACCOUNT AND PAY YOUR BILL ONLINE. GO TO SWGAS.COM TO GET STARTED TODAY.

Gas Usage History Information:			Avg Daily
	Therms / Days =		Therms
This Month	12 28		0.43
Last Month	14 30		0.47
Last Year	8 28		0.29



Previous Balance	Payments & Adjustments	Balance Forward	Current Bill	Current Balance	AMOUNT DUE
38.34	- 118.71	= 80.37CR	+ 29.39	= 50.98CR	NONE

PLEASE SEE REVERSE SIDE FOR RULES AND REGULATIONS • RETURN BOTTOM PORTION WITH PAYMENT

*** Sign up for paperless billing at www.swgas.com ***

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL (AND BY HAND)

On 15 April 2015, I served a copy of this document via electronic mail on Respondent's attorney, Jason Wilcock, addressed to jason.wilcock@swgas.com.

On 15 April 2015, I served another copy of this document via electronic mail on Robert Gray of the Commission's Staff, addressed to BGray@azcc.gov.

On 15 April 2015, I served a copy of this document on Steven Olea, Director of the Utilities Division of the AzCC, addressed to solea@azcc.gov.

On 15 April 2015, I served copies of this document via electronic mail on all five Commissioners addressed to Forese-web@azcc.gov, Little-web@azcc.gov, BitterSmith-web@azcc.gov, Stump-web@azcc.gov and RBurns-web@azcc.gov.

On 15 April 2015, I served a hard copy of this document on Dwight Nodes, Administrative Law Judge, by delivering a hard copy to the security guard at 1200 West Washington Avenue in Phoenix, Arizona.

I certify under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

Executed on 15 April 2015
at Phoenix, Arizona


RICHARD GAYER, Complainant